

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

**March 27, 2024**  
LAURA A. AUSTIN, CLERK

**LARRY WAYNE BYINGTON,**  
**Plaintiff,**

**Civil Action No. 7:24-cv-00111**

BY: /s/T. Taylor  
DEPUTY CLERK

**v.**

**DR. MCDUFFIE,**  
**Defendant(s).**

**MEMORANDUM OPINION**

**By: Robert S. Ballou**  
**United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. §1983. By order entered February 12, 2024, the court directed plaintiff to submit within 30 days from the date of the order a statement of assets form, an inmate account form, and a certified copy of plaintiff's trust fund account statement for the month of January, obtained from the appropriate prison official of each prison at which plaintiff is or was confined during that month. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 30 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 27th day of March, 2024.

*Robert S. Ballou*

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United States District Judge